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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 10/689,601               | 10/22/2003  | Sinikka Sarkinen     | 061604-0261         | 3866             |
| 30542                    | 7590        | 01/29/2009           |                     |                  |
| FOLEY & LARDNER LLP      |             |                      | EXAMINER            |                  |
| P.O. BOX 80278           |             |                      | RUSSELL, WANDA Z    |                  |
| SAN DIEGO, CA 92138-0278 |             |                      |                     |                  |
|                          |             |                      | ART UNIT            | PAPER NUMBER     |
|                          |             |                      | 2416                |                  |
|                          |             |                      | MAIL DATE           | DELIVERY MODE    |
|                          |             |                      | 01/29/2009          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/689,601

**Applicant(s)**

SARKKINEN, SINIKKA

**Examiner**

WANDA Z. RUSSELL

**Art Unit**

2416

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/03/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19, and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-8, 10-11, 14, 16, 19, 21, 23-24, and 26** are rejected under 35 U.S.C. 102(b) as being anticipated by Raith (U.S. Patent 5,930,706).

For **claims 1, 11, 16, 19, 21, and 24**, Raith teaches a method and an apparatus and means (see Figs. 4 –terminal; & 6 – base station) comprising:

Receiving a broadcast service notification (The mobile station will first read the required BCCH information when acquiring the DCCH, refer to col. 21, lines 50-51 & 1-8) from a network (see Figs. 1; 4–terminal; & 6–base station) in response to a network-initiated creation of a service context (The F-BCCH is used to broadcast DCCH structure parameters and other parameters required for accessing the system ..., refer to col. 21, lines 6-8 & 4-12); and

switching (acquisition, refer to col. 21, line 1) a connection state (sleep mode, refer to col. 21, line 1. Sleep mode is a connection state) of a terminal device (mobile station, col. 20, line 63) to a dedicated channel state (IS-136 will “wake up” to read its PCH slot, and acquisition at DCCH, refer to col. 23, lines 26-27, and col. 21, line 2 & lines 1-2. Also refer to col. 1, lines 8-12) in which a dedicated physical channel is allocated to said terminal device (mobile station, col. 23, line 26 & 25-27), after

reception of configuration parameters (DCCH structure parameters, refer to col. 21, line 7) for a broadcast or multicast service to said terminal device from a related control channel (BCCH, refer to Fig. 3, and col. 21, lines 1-8. Note that all those paragraphs cited above are in the same endeavor).

For **claim 2**, Raith teaches a method according to claim 1, wherein said broadcast or multicast service is an Multimedia Broadcast/Multicast Service (various data, col. 6, line 22; short messages, col. 21, lines 5-6; and point-to-multipoint, col. 21, line 5).

For **claim 3**, Raith teaches a method according to claim 1, wherein said notification triggers said terminal device to listen to said related control channel (The mobile station will first read the required BCCH information when acquiring the DCCH, refer to col. 21, lines 50-51).

For **claim 4**, Raith teaches a method according to claim 1, wherein said notification allows said terminal device not to respond to the received service indication (stay in sleep mode, col. 21, lines 52-54).

For **claim 5**, Raith teaches a method according to claim 1, wherein said switching is performed after reception of said configuration parameters from said related control channel (IS-136 will "wake up" to read its PCH slot, and acquisition at DCCH, refer to col. 23, lines 26-27, and col. 21, line 2 & lines 1-2. For DCCH structure parameters, refer to col. 21, line 7).

For **claim 6**, Raith teaches a method according to claim 5, wherein said state switching is ordered by a network element based on said configuration parameters

(refer to Fig. 1. Any network element can start the order. For DCCH structure parameters, refer to col. 21, line 7).

For **claim 7**, Raith teaches a method according to claim 6, wherein said state switching order is issued to said terminal device and said network element derives the current state of said terminal device based on said state switching order (each superframe, refer to col. 5, lines 1-5. Note that superframes are in order).

For **claims 8, 18, 23, and 26**, Raith teaches a method, wherein said connection state is switched to said dedicated channel state (DCCH, refer to col. 21, line 2) from a paging channel state (PCH, refer to col. 21, line 15, and col. 5, lines 1-5).

For **claim 10**, Raith teaches a method according to claim 1, wherein said service notification caused by a network-initiated activation of a service data transmission (refer to Fig. 1, and The F-BCCH is used to broadcast DCCH structure parameters and other parameters required for accessing the system ..., refer to col. 21, lines 6-8 & 4-12).

For **claim 14**, Raith teaches an apparatus according to claim 11, wherein said apparatus is configured to switch said connection state to said dedicated channel state from a paging channel state (DCCH, refer to col. 21, line 2) from a paging channel state (PCH, refer to col. 21, line 15, and col. 5, lines 1-5) in which a connection to said terminal device is only possible via a paging channel and after reception of said notification via said related control channel (col. 21, lines 1-8).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9, 12-13, 15, 22, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. Patent 5,930,706), in view of Chen (Pub No. US 2002/0126636).

For **claims 9, and 15**, Raith teaches a method claimed as applied above. In addition, Raith substantially teaches a method according to claim 8, wherein said connection state is switched from a CELL-PCH (PCH, col. 21, line 15) state to a CELL-DCH (DCCH, col. 21, line 2).

However, Raith fails to specifically teach UMTS radio access network.

Chen teaches UMTS radio access network (Title, and [0003]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Raith with Chen to obtain the invention as specified, for comprising a Core Network-operating Multi-Protocol Label Switching.

For **claims 12, 22, and 25**, Raith teaches an apparatus claimed as applied above.

However, Raith fails to specifically teach GGSN.

Chen teaches a system, wherein said broadcasting means is a GGSN (Fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Raith with Chen to obtain the invention as specified, for more choices of services, in the communication system.

For **claim 13**, Raith teaches an apparatus according to claim 11.

However, Raith fails to specifically teach an apparatus according to claim 11, wherein said apparatus is comprised in a radio network controller.

Chen teaches an apparatus according to claim 11, wherein said apparatus is comprised in a radio network controller (see Figs. 5 & 8).

***Response to Amendment***

5. Applicant's amendment filed 12/3/2008 has been received and considered. Only typing errors are corrected.

***Response to Arguments***

6. Applicant's arguments filed 12/3/2008 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WANDA Z. RUSSELL whose telephone number is (571)270-1796. The examiner can normally be reached on Monday-Thursday 9:00-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/  
Primary Examiner, Art Unit 2416

/Wanda Z Russell/  
Examiner, Art Unit 2416